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SEP 06 2004

Facsimile Cover Sheet

To: Hon. Commissioner for Patents, TC2600

From: Craig S. Fischer

ATTN: Examiner BRIAN Q. LE

Fax: (703) 872-9306

Pages: 28 (inclusive)

Re: Serial No.: 09/400,346

Date: September 6, 2004

Filed: September 20, 1999

Attorney Docket No: MCS-058-99

☐ **Urgent**

☒ **For Review**

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on September 6, 2004

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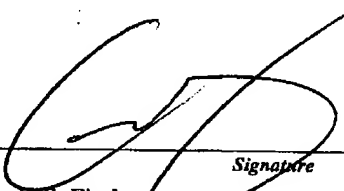
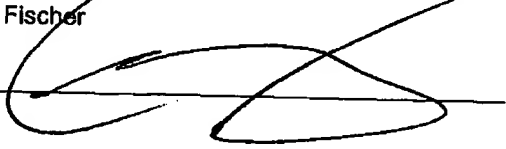
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This correspondence includes the following attached papers:

1. Facsimile Cover Sheet including Certificate of Transmission under 37 C.F.R. § 1.8 (1 page);
2. Request for Continued Examination (RCE) Transmittal Letter (1 page);
3. Credit Card Payment Form (1 page for RCE filing fee);
3. Credit Card Payment Form (1 page for additional claims fee);
4. Amendment Transmittal Letter (1 page);
5. Preliminary Amendment to Accompanying RCE (23 pages).

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TRANSMITTAL LETTER (Large Entity)			Docket No. MCS-058-99		
Applicant(s): TOYAMA					
Serial No. 09/400,346	Filing Date 09/20/1999	Examiner B. LE	Group Art Unit 2623		
Invention: SYSTEM AND METHOD FOR BACKGROUND MAINTENANCE OF AN IMAGE SEQUENCE					
TO THE HON. COMMISSIONER FOR PATENTS:			RECEIVED CENTRAL FAX CENTER SEP 06 2004		
Transmitted herewith is an amendment in the above-identified application. The fee has been calculated and is transmitted as shown below.					
CLAIMS AS AMENDED					
	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST # PREV. PAID FOR	NUMBER EXTRA CLAIMS PRESENT	RATE	ADDITIONAL FEE
TOTAL CLAIMS	26 -	22 =	4 x	\$18.00	\$ 72.00
INDEP. CLAIMS	6 -	5 =	1 x	\$86.00	\$ 86.00
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					\$0.00
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT					\$ 158.00
<div style="display: flex; justify-content: space-between;"><div><input type="checkbox"/> No additional fee is required. <input type="checkbox"/> Please charge Deposit Account No. _____ in the amount of _____ A duplicate copy of this sheet is enclosed. <input type="checkbox"/> A check in the amount of _____ to cover the filing fee is enclosed. <input checked="" type="checkbox"/> Two (2) Credit Card Payment Forms (PTO-2038) for payment for the RCE filing fee and an additional claims fee in the amount of \$ 770.00 and \$158.00 are attached.</div><div style="text-align: right;">Dated: September 6, 2004</div></div> <div style="display: flex; justify-content: space-between; margin-top: 20px;"><div> _____ Craig S. Fischer Registration No. 42,535 LYON & HARR, L.L.P. 300 East Esplanade Drive Suite 800 Oxnard, CA 93036-1274 TEL: (805) 278-8855 FAX: (805) 278-8064</div><div><div style="border: 1px solid black; padding: 5px; width: fit-content;">CERTIFICATE OF FACSIMILE TRANSMISSION UNDER 37 C.F.R. § 1.8</div><div>I hereby certify that this paper and every paper referred to therein as being enclosed is being facsimile transmitted to Mail Stop: RCE, Hon. Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, TC2600 at (703) 872-9306.</div><div>Date of Transmission: <u>September 6, 2004</u></div><div>By: <u>Craig S. Fischer</u></div><div>Signature: </div></div></div>					

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PATENT TRADEMARK OFFICE

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on <u>September 6, 2004</u>	(Date of Transmission)
By <u>Craig S. Fischer</u>	<u>[Signature]</u> Signature

PATENT
Microsoft Matter No.: 128795.01
Attorney Docket No.: MCS-058-99

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of: TOYAMA et al.

Serial No.: 09/400,346

Group Art Unit: 2623

Filed: September 20, 1999

Examiner: B. Le

For: **SYSTEM AND METHOD FOR BACKGROUND
MAINTENANCE OF AN IMAGE SEQUENCE****PRELIMINARY AMENDMENT**

Hon. Commissioner for Patents
Washington, DC 20231
TC2600
Facsimile No.: (703) 872-9306

Sir:

In response to the final Office Action dated May 6, 2004, and preliminary to examining the above-identified patent application under the Request for Continued Examination, the Applicants respectfully request the application be amended as set forth below.

09/08/2004 JBALINAN 00000003 09400346

01 FC:1201	86.00 OP
02 FC:1202	72.00 OP

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